IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

RP.No. 384 of 2005(R)

AGAINST THE JUDGEMENT IN WPC.8135/2005
.....

REVIEW PETITIONER/PETITIONER

M.SOMA RAJ, (RETIRED AIR CONDITION
MECHANIC, MEDICAL COLLEGE, THIRUVANATHAPURAM),
SHARON, KIDANGUVILA, ENIKARA, KARAKAULAM,
THIRUVANANTHAPURAM.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.PETER JOSE CHRISTO

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA, REP. BY THE
PRINCIPAL SECRETARY TO GOVERNEMNT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

3. THE PRINCIPAL,
MEDICAL COLLEGE, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SHRI. BIJOY CHANDRAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.K.DENESAN, J.

R.P. NO: 384 OF 2005 IN
WP(C)No. 8135 OF 2005

Dated this the 28th November, 2006.

O R D E R

One of the grounds urged in the review petition is that a factual error has been committed by overlooking the decision taken by the Government as per Ext.P1 to treat the period of suspension of the petitioner form 1984 to 1988 as duty limiting the pay and allowances to 80% less subsistence allowance paid to him. The judgment proceeds on the assumption that the above period was treated as leave. Even conceding that a factual error as stated above has crept into the judgment, that will not in any way alter the decision taken by this Court. Ext.P2 order was passed in 1997 and Ext.P3 order in 1999. Those orders were passed taking into account the decision of the Government regularising the period of suspension as leave. Ext.P1 order came into existence subsequently and therefore Exts.P2 and P3 orders cannot be assigned on the basis of Ext.P1. If the petitioner wanted to get Exts.P2 and P3 corrected in the light of Ext.P1, he should have taken prompt action that behalf. Instead, he approached the Lok Ayukta and got Ext.P5 order. It is taking into consideration the above events also that this Court passed

judgment dated 11.3.2005. One of the main grounds on which the writ petition has been dismissed is delay and laches on the part of the petitioner. I find no grounds to allow the review petition or recall the judgment dated 11.3.2005. It is however made clear that if the petitioner wants to approach the Government for passing fresh orders in the light of Ext.P1, the dismissal of the writ petition will not stand in the way. Review petition is disposed of as above.

K.K.DENESAN
Judge

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